

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Annual Assessment of the Status of)	MB Docket No. 12-203
Competition in the Market for the)	
Delivery of Video Programming)	
)	

**COMMENTS OF
THE ORGANIZATION FOR THE PROMOTION AND
ADVANCEMENT OF SMALL TELECOMMUNICATIONS COMPANIES and
THE NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

OPASTCO
2020 K Street, NW
7th Floor
Washington, DC 20006
202-659-5990

NTCA
4121 Wilson Boulevard
10th Floor
Arlington, VA 22203
703-351-2000

September 10, 2011

TABLE OF CONTENTS

	<u>page</u>
SUMMARY	ii
I. INTRODUCTION	1
II. RLECS’ ABILITY TO ACCESS VIDEO CONTENT AT AFFORDABLE RATES AND UNDER REASONABLE TERMS AND CONDITIONS WILL LEAD TO GREATER VIDEO COMPETITION AND SPUR BROADBAND INVESTMENT IN RURAL SERVICE AREAS	4
III. THE COMMISSION SHOULD TAKE A NUMBER OF STEPS TO FACILITATE THE AVAILABILITY OF PROGRAMMING AT AFFORDABLE RATES AND UNDER REASONABLE TERMS AND CONDITIONS TO RURAL MVPDS	6
A. The Exclusive Contract Prohibition Should Be Extended For An Additional Five Years	6
B. Commission Rules Should Facilitate The Ability Of Rural MVPDs To Gauge Market Rates For Programming	7
C. The Commission Should Prohibit Programming Vendors From Requiring Rural MVPDs To Pay For Undesired Programming In Order To Gain Access To Desired Programming	7
D. The Commission Should Prohibit Mandatory Broadband Tying, Where Rural MVPDs Must Pay Per-Subscriber Fees For Non-Video Broadband Customers	8
E. The Commission Should Prohibit Programming Vendors From Requiring Rural MVPDs To Place Content In Specific Service Tiers	9
F. The Commission Should Monitor The Market For “Over The Top” Web-Based Video Services To Ensure That Exclusive Arrangements Do Not Prevent Rural MVPDs And Broadband Providers From Gaining Access To Certain Web-Based Video Content	10
IV. THE COMMISSION SHOULD REFORM THE OUTDATED RETRANSMISSION CONSENT PROCESS	11
V. CONCLUSION.....	13

SUMMARY

The single most significant obstacle rural local exchange carriers (RLECs) face in their quest to provide or expand video services is their inability to obtain “must have” video content at reasonable rates, terms, and conditions. Enabling rural multichannel video programming distributors (MVPDs) to have affordable and reasonable access to video content that consumers desire not only improves competition in the video market, but also promotes broadband Internet access service adoption. This proceeding is therefore an appropriate vehicle for the Commission to investigate anticompetitive practices of video programmers and take steps to improve RLECs’ access to video content at affordable rates and under reasonable terms and conditions.

To enable affordable and reasonable access to vital video content, the Commission should extend the prohibition on exclusive contracts for certain types of programming for an additional five years. It should also prohibit the use of mandatory non-disclosure provisions that prevent rural MVPDs from gauging the fair market value of content, impeding their ability to negotiate reasonable rates. In addition, the Commission should prohibit programming vendors from requiring rural MVPDs to pay for programming that they and their consumers do not want in order to access programming that they desire. This tying practice unnecessarily increases rural MVPDs’ costs and prevents them from offering their subscribers affordable service packages.

The Commission should also prohibit the practice of mandatory “broadband tying,” in which rural MVPDs must pay per-subscriber fees for non-video broadband customers. Broadband tying forces rural MVPDs to either absorb these costs or raise end-user rates, neither of which benefits rural consumers. Programming vendors should

also be prohibited from requiring rural MVPDs to place content in specific programming tiers, as this prevents them from offering their subscribers a truly basic, stripped down service tier at an affordable rate. Additionally, the Commission should monitor the market for “over the top” web-based video services to ensure that exclusive arrangements between programmers and large broadband providers and/or MVPDs do not impede video competition or thwart broadband deployment in rural areas.

Finally, the Commission should immediately reform its outdated retransmission consent process. Under the current rules, broadcasters are able to issue “take it or leave it” ultimatums and threaten to withhold programming. These abuses are compounded by rural MVPDs’ inability to obtain alternative content from other markets. The Commission should therefore strengthen its “good faith” rules to reflect the market power held by broadcasters in this regard, and adopt other recommendations provided by the Associations in the retransmission consent proceeding.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Annual Assessment of the Status of)	MB Docket No. 12-203
Competition in the Market for the)	
Delivery of Video Programming)	
)	

**COMMENTS OF
THE ORGANIZATION FOR THE PROMOTION AND
ADVANCEMENT OF SMALL TELECOMMUNICATIONS COMPANIES and
THE NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

I. INTRODUCTION

The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO)¹ and the National Telecommunications Cooperative Association (NTCA)² (collectively, the Associations) hereby submit these comments in the above-captioned proceeding.³ The NOI solicits data and information for the Commission's Report to Congress on the status of competition in the market for the delivery of video programming,⁴ and requests information on the provision of video

¹ OPASTCO is a national trade association representing approximately 420 small incumbent local exchange carriers (ILECs) serving rural areas of the United States. Its members, which include both commercial companies and cooperatives, together serve approximately 3 million customers.

² NTCA represents more than 580 rural rate-of-return regulated telecommunications providers. All of NTCA's members are full service local exchange carriers and many of its members provide wireless, cable, Internet, satellite, and long distance services to their communities; each member is a "rural telephone company" as defined in the Communications Act of 1934, as amended.

³ *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, MB Docket No. 12-203, Notice of Inquiry (rel. July 20, 2012) (NOI).

⁴ *Id.*, ¶1, ¶13.

services in rural areas.⁵ The Associations periodically canvass their members regarding video services. The most recent effort was conducted by NTCA in 2011.⁶

The number of NTCA members serving as MVPDs rose from approximately 417 in 2010 to roughly 447 in 2011. Of those, 210 offered video via coaxial cable. This number is down from 2010, when 252 provided service via a coaxial cable system, and down from 2007, when 276 did so. Direct broadcast satellite (DBS) offerings have also declined significantly. In 2007, 106 companies provided video via DBS, but the number dropped to 66 in 2010, and to 35 in 2011.

In contrast, the provision of Internet protocol television (IPTV) has grown from 61 companies in 2007, to 159 in 2010, and to 202 in 2011. Of those companies offering IPTV in 2011, an estimated 47 did so via fiber-to-the-home, fiber-to-the-curb, or Ethernet technologies, with the balance using digital subscriber line (DSL) technology. Of those offering video in 2011, 104 did so using more than one platform, *i.e.*, coaxial cable, IPTV (whether over DSL, fiber, etc.), and/or DBS.⁷

An overwhelming majority of respondents to NTCA's 2011 survey – 96 percent – stated that access to reasonably-priced programming is a significant barrier to the provision of video services.⁸ It is therefore unsurprising that 66 percent also named the

⁵ *Id.*, ¶¶72-74.

⁶ Figures are derived from 2011 NTCA membership information and, where noted, from a survey NTCA sent to its membership in the Fall of 2011 (*NTCA 2011 Broadband/Internet Availability Survey Report* (rel. March 2012), available at <http://www.ntca.org/images/stories/Documents/Advocacy/SurveyReports/2011ntcabroadbandsurveyreport.pdf>) (NTCA survey). The survey received 114 responses, a rate of approximately 23 percent. The number of carriers offering services when broken down by technology platform may exceed the overall total due to some members' use of more than one platform.

⁷ These companies may serve customers in more sparsely populated areas using DBS or coaxial cable, while providing IPTV via fiber or DSL to the more densely populated segments of their market.

⁸ NTCA survey, p. 12.

OPASTCO & NTCA comments

September 10, 2012

challenges associated with making a business case for offering video services as a main impediment to the provision of video services.⁹ Furthermore, 68 percent named the difficulty of competing with other video providers as a major impediment.¹⁰ This reflects the inherent disadvantages RLECs encounter serving high-cost, sparsely populated areas, in addition to their lack of scale and scope compared to larger MVPDs.

For all of the Associations' members, the ability to offer quality video services is viewed as a key driver of broadband deployment and adoption in rural areas and is an important component to ensuring the long-term viability of most rural telecommunications providers. As noted above, IPTV is the only video platform that has seen an increase among RLECs and, as the NOI recognizes,¹¹ it is dependent upon the same network infrastructure as broadband Internet access services in order to function. Furthermore, customers are often incited to obtain both video and broadband services when they are offered in a bundle of services at a discount. Consequently, factors that impede the provision of video services in RLEC service areas similarly impair broadband deployment and adoption.

An RLEC's ability to successfully deploy video services requires access to desirable content under reasonable terms and conditions. A variety of behaviors and strategies employed by programmers and broadcasters make it difficult for rural carriers to offer content in competitive retail packages that reflect what their subscribers want and can afford. The Commission can help preserve access to some content by extending, for

⁹ *Id.*

¹⁰ *Id.*

¹¹ NOI, ¶3.

OPASTCO & NTCA comments

September 10, 2012

an additional five years, the current rule that prevents vertically integrated programmers from engaging in exclusive contracts.

In addition, Commission action is needed to correct various anticompetitive behaviors by content providers, such as forced tying and tiering. Programmers also engage in unfair bargaining tactics, such as the inclusion of non-disclosure provisions in contracts and threatening that “must have” content will be withheld during the re-negotiation process.¹² Furthermore, retransmission consent rules strongly favor broadcasters to the detriment of consumers. The escalating costs associated with retransmission consent inhibit the provision of video service by RLECs and does nothing to enhance competition or broadband adoption in rural areas. Therefore, while the Commission is considering changes to the retransmission consent regime in MB Docket No. 10-71, the Commission should concurrently investigate content providers’ use of unfair bargaining practices that threaten the viability of rural video providers.

II. RLECS’ ABILITY TO ACCESS VIDEO CONTENT AT AFFORDABLE RATES AND UNDER REASONABLE TERMS AND CONDITIONS WILL LEAD TO GREATER VIDEO COMPETITION AND SPUR BROADBAND INVESTMENT IN RURAL SERVICE AREAS

As noted above, the Associations’ members overwhelmingly convey that difficulty obtaining access to “must have” programming at affordable rates and under reasonable terms and conditions is the most significant obstacle that RLECs face when attempting to provide or expand video services. Forced “tying” and “tiering” arrangements, and the outdated and broken retransmission consent process, among other

¹² See comments of OPASTCO, NTCA, the Independent Telephone and Telecommunications Alliance, the Western Telecommunications Alliance, and the Rural Independent Competitive Alliance, MB Docket No. 10-71 (fil. May 27, 2011), pp. 12-18, 24-25 (Joint Retransmission Consent comments).
OPASTCO & NTCA comments

factors, impede RLECs' ability to offer the video content that consumers desire at affordable rates. This ultimately harms competition and reduces consumer choice in rural service areas.

Also, as the Associations and others have previously noted,¹³ access to video content at affordable rates and under reasonable terms and conditions spurs rural broadband investment.¹⁴ This is because when RLECs offer video and broadband Internet access services together, rural consumers' adoption of broadband increases. When more consumers subscribe to an RLEC's broadband services, it provides the carrier with additional revenue and incentive to expand broadband availability and increase the data speeds available in their service area. This, in turn, drives even more consumers to adopt broadband by enabling them to use bandwidth-intensive applications and services that only robust broadband connections can accommodate, and that are available to urban consumers.

Unfortunately, the barriers encountered by RLECs that attempt to serve as MVPDs result in limits to consumer choice and higher prices, which dissuade customers from subscribing to rural carriers' video services.¹⁵ This, in turn, impedes broadband investment and adoption, as well as video competition. Therefore, the Commission can and should use this proceeding to thoroughly investigate anti-competitive practices of video programming vendors and take certain steps to improve RLECs' access to video content at affordable rates and under reasonable terms and conditions.

¹³ See, e.g., Joint Retransmission Consent comments, pp. 4-5.

¹⁴ NOI, ¶14, ¶26.

¹⁵ RLECs operating as MVPDs routinely do so at or near break-even levels, if that. In these instances, video services are provided in order to meet community needs and consumer demands, in addition to countering competition from other service providers, despite the lack of a compelling business case.

OPASTCO & NTCA comments

III. THE COMMISSION SHOULD TAKE A NUMBER OF STEPS TO FACILITATE THE AVAILABILITY OF PROGRAMMING AT AFFORDABLE RATES AND UNDER REASONABLE TERMS AND CONDITIONS TO RURAL MVPDS

Small rural MVPDs, like larger urban ones, must respond to consumer demand for certain popular programming to be able to sell their services and remain competitive. The Associations' members are not affiliated with content providers and therefore must rely on vertically integrated or non-affiliated programmers for "must have" content. The availability of "must have" programming at affordable rates and under reasonable terms and conditions marks the difference between a viable video service and one that will fail or be unable to launch. Therefore, in order to facilitate the availability of content, the Commission should take a number of steps as outlined below.

A. The Exclusive Contract Prohibition Should Be Extended For An Additional Five Years

As the Associations have described in greater detail in another proceeding,¹⁶ the current prohibition on exclusive contracts for satellite cable programming or satellite broadcast programming between any cable operator and any cable-affiliated programming vendor (also referred to as vertically integrated programmers), continues to be necessary to preserve and protect competition and diversity in the distribution of video programming. The record in that proceeding demonstrates that vertically integrated programmers retain the ability and incentive to discriminate against other MVPDs in the absence of the prohibition.¹⁷ The record also demonstrates that alternatives to retaining the prohibition would be unworkable and would fail to preserve competition in the

¹⁶ See, OPASTCO & NTCA comments, MB Docket Nos. 12-68, 07-18, 05-192 (fil. June 22, 2012).

¹⁷ *Id.*, pp. 3-6.

OPASTCO & NTCA comments

September 10, 2012

distribution of video programming.¹⁸ Therefore, the prohibition should be extended in full for an additional five years.

B. Commission Rules Should Facilitate The Ability Of Rural MVPDs To Gauge Market Rates For Programming

The NOI specifically asks if MVPDs serving rural areas are charged similar rates for content as MVPDs in urban areas.¹⁹ As the Associations and others have previously noted,²⁰ mandatory non-disclosure agreements demanded by content providers in contracts for programming prohibit rural MVPDs from disclosing the rates they pay, even to policymakers who may request this information. Similarly, these agreements prevent rural MVPDs from learning the true market value of video content. As rural MVPDs have no way of knowing whether the price at which programming is being offered to them is in line with what other MVPDs are paying for the same content, their ability to negotiate fair and reasonable rates is compromised from the outset. In short, the NOI asks a question for which only the content holders have the answer today. Therefore, the Commission should encourage equitable market-based negotiations by prohibiting the use of mandatory non-disclosure provisions.

C. The Commission Should Prohibit Programming Vendors From Requiring Rural MVPDs To Pay For Undesired Programming In Order To Gain Access To Desired Programming

The Associations have consistently opposed the commonly employed practice of forced tying in which programmers require MVPDs to purchase undesired content in

¹⁸ *Id.*, pp. 6-9.

¹⁹ NOI, ¶74; *see also* ¶28.

²⁰ *See, e.g.*, Joint Retransmission Consent comments, p. 16.

OPASTCO & NTCA comments

September 10, 2012

order to obtain the content they actually want.²¹ Forced tying is one of the most prevalent and pernicious problems faced by rural MVPDs. In practice, the only viable way that rural MVPDs may gain access to “must-have” programming is to agree to purchase unwanted programming, which drives up the retail price of their service offerings. Rural MVPDs have found that in order to provide customers with access to the 10 most requested channels, it is necessary to pay for and distribute as many as 120 to 125 additional programming channels.²² While the lineup of video programming that consumers demand changes little from year to year, the channel lineups in rural MVPDs’ service tiers are growing ever larger and more expensive, due to the forced tying practices of network program providers and local broadcasters.

In short, forced tying unnecessarily increases rural MVPDs’ costs and prevents them from offering affordable service packages. This limits rural MVPDs’ ability to effectively compete in the video services market and diminishes consumer choice. The Commission should therefore ban forced tying immediately.

D. The Commission Should Prohibit Mandatory Broadband Tying, Where Rural MVPDs Must Pay Per-Subscriber Fees For Non-Video Broadband Customers

To obtain “must-have” video content, some programmers require rural MVPDs to pay an additional fee based on the number of broadband subscribers they serve, regardless of whether or not those customers subscribe to video services. This practice, commonly known as “broadband tying,” amounts to a forced payment on a per-customer

²¹*Id.*; see also OPASTCO, NTCA, RICA, and WTA *ex parte* letter, MB Docket No. 07-198 (fil. Aug. 15, 2008).

²² NTCA comments, MB Docket No. 07-26 (fil. May 19, 2009), pp. 4-5; NTCA comments, MB Docket Nos. 07-29, 07-198 (fil. Jan 4, 2008), pp. 16-17.
OPASTCO & NTCA comments

basis for access to online content (regardless of whether or not the customer views it), in addition to purchasing subscription video programming. Broadband tying goes well beyond the realm of any reasonable condition for access to traditional subscription video content. While parties may wish to negotiate packages that incorporate the optional tying of broadband content with subscription video programming, programmers that have engaged in broadband tying have typically done so in a “take-it-or-leave-it” manner that violates the Commission’s “good faith” requirements. If an alternative is eventually offered by a programmer, the rates involved are so prohibitive as to effectively force the rural MVPD to accept the broadband tying or forgo the “must have” content.

Additionally, some programmers have required rural MVPDs to promote their web sites. Also, some require MVPDs to submit payments for, and promote web sites to, broadband customers that not only do not subscribe to a carrier’s video service, but are also located outside of the MVPD’s video service territory.

Each of the practices described above is an unfair practice that forces rural broadband providers to either absorb the additional costs or raise their end-user rates for broadband, neither of which benefits rural consumers. Moreover, higher rates for broadband discourage broadband adoption, contrary to Commission goals. The Commission should therefore prohibit the use of mandatory broadband tying provisions in contracts for video content.

E. The Commission Should Prohibit Programming Vendors From Requiring Rural MVPDs To Place Content In Specific Service Tiers

The Associations’ members also report that programming vendors require that certain channels be placed in specific service tiers or that a certain percentage of

subscribers receive the channels, forcing rural MVPDs to include these channels in the most popular tier(s) of service they offer. Rural MVPDs should be free to create and market video programming tiers as they see fit in order to meet the demands of their subscribers. However, the practice of “forced tiering” makes it impossible for rural MVPDs to offer truly basic, stripped down service tiers that can be offered at very affordable rates and that their subscribers actually desire. It also prevents rural MVPDs from offering service packages that help to distinguish themselves from their competitors. By prohibiting video programmers’ use of forced tiering arrangements, the Commission can encourage product differentiation and competition among video service providers in rural areas, while enabling consumers to access the content they desire at affordable rates.

F. The Commission Should Monitor The Market For “Over The Top” Web-Based Video Services To Ensure That Exclusive Arrangements Do Not Prevent Rural MVPDs And Broadband Providers From Gaining Access To Certain Web-Based Video Content

The NOI also seeks comment about online video distribution.²³ The market for web-based video continues to grow, providing consumers with additional choices for video entertainment and additional incentives to adopt broadband. As this market grows, it is imperative that the Commission is cognizant of any exclusive arrangements between content producers and large MVPDs that could prevent rural MVPDs and broadband providers from gaining access to certain web-based video services. Rural MVPDs and broadband providers must have access to all of the same content – including web-based content – as their non-rural counterparts. Without it, video competition, along with broadband investment and adoption, will suffer in rural service areas. The Commission

²³ NOI, ¶¶59-71.

should therefore carefully monitor the evolution of the market for web-based video content and ensure that consumers in RLEC service areas continue to have access to all of the video content that the Internet has to offer.

IV. THE COMMISSION SHOULD REFORM THE OUTDATED RETRANSMISSION CONSENT PROCESS

The Commission's "must carry" and retransmission consent rules permit broadcasters to unfairly leverage their bargaining power which drives up programming costs for rural MVPDs. In the past, broadcast television stations relied solely on advertising revenues to earn a reasonable return on their investment and would require MVPDs to carry their signals from within their designated market area (DMA) by invoking the "must carry" requirements. No payments between MVPDs and broadcasters were exchanged. Today, the vast majority of broadcasters are gaining additional revenues by charging MVPDs for the privilege of carrying the in-DMA signal through retransmission consent agreements. Rates for a single channel of network programming are well over \$1.00 per subscriber per month in some areas of the country.

MVPDs need network programming to offer a successful video service, yet they are forbidden by the Commission's rules from seeking competitive offerings in neighboring markets.²⁴ This confers unwarranted bargaining power to broadcasters. MVPDs must simply pay broadcasters whatever rate they demand. As discussed in section III.B. above, this problem is further compounded by the fact that the vast majority of retransmission consent agreements contain mandatory "non-disclosure" clauses. This

²⁴ Today, the six commercial broadcast networks provide service according to DMAs. Section 76.56(b) of the Commission's rules requires most MVPDs to carry only the local commercial broadcast television stations located in their specified DMAs. MVPDs may not look to neighboring DMAs for network programming.

means that rural MVPDs have no way of knowing if what they are being charged is comparable to market rates paid by larger MVPDs, or whether the rates they pay are discriminatory.

The Associations filed comments along with other groups in the Commission's 2011 retransmission consent proceeding urging, among other things, a strengthening of the "good faith" requirements and a standstill provision which would help prevent broadcasters from abusing their market power to the detriment of rural consumers.²⁵ For example, the Associations urged that it should be considered a *per se* violation of the good faith rule when a station grants another station, or station group, the right to negotiate or approve its retransmission consent agreement when the stations are not commonly owned, as might be reflected in local marketing agreements ("LMAs"), Joint Sales Agreements ("JSAs"), or shared services agreements. The formation of these groups substantially increases the risk that all broadcasters in a market, or in neighboring markets, will collude to set the retransmission consent price to a level substantially higher than it would be if the negotiations were conducted individually.²⁶

The Associations also urged the Commission to amend its rules so that households served by rural video providers may consider and receive lower programming rates from alternative broadcast stations in neighboring DMAs.²⁷ As noted above, the availability of video content at affordable rates and under reasonable terms and conditions can increase competition in the video services market and spur broadband

²⁵ Joint Retransmission Consent comments, pp. 6–17.

²⁶ *Id.*, pp. 11–12.

²⁷ The Commission has authority under Sections 151, 152(a), 153(5), 154(i), 303(r), 601(4), 601(6), 616(a), 628(a), 628(b), 628(c)(4) and 706 of the Communications Act of 1934, as amended, to amend the current retransmission consent rules and DMA restrictions.

OPASTCO & NTCA comments

September 10, 2012

investment in RLEC service areas. The reforms proposed by the Associations should therefore be implemented without delay.²⁸

V. CONCLUSION

As demonstrated above, video programming vendors are able to use their market power to raise rural MVPDs' costs and prevent them from offering their subscribers desirable service packages at affordable rates. The ability of rural MVPDs to obtain video content at affordable rates and under reasonable terms and conditions will improve competition in the video services market and spur broadband investment and adoption in rural service areas. To accomplish this, the Commission should:

- extend the prohibition on exclusive contracts for vertically integrated programming for an additional five years;
- prohibit programmers from requiring mandatory non-disclosure provisions that prevent rural MVPDs from gauging the market value of content;
- prohibit programmers from engaging in forced tying, *i.e.*, requiring rural MVPDs to purchase undesired programming in order to gain access to desired content;
- prohibit mandatory broadband tying, where rural MVPDs must pay per-subscriber fees for non-video broadband customers;
- prohibit programmers from requiring rural MVPDs to place content in specific service tiers;
- allow rural MVPDs to obtain content from outside of their DMA;
- closely monitor the market for “over the top” web-based video services to ensure that exclusive arrangements do not prevent rural MVPDs and broadband providers from gaining access to certain web-based video content; and

²⁸ The Associations also support reforms to facilitate improved access to content for buying groups and the adoption of a fair market value standard for cases involving alleged price discrimination. *See* OPASTCO & NTCA reply comments, MB Docket Nos. 12-68, 07-18, 05-192 (fil. July 23, 2012), pp. 5-6.
OPASTCO & NTCA comments

- reform the outdated retransmission consent process by strengthening the “good faith” rules by prohibiting stations that are not under common ownership from negotiating or approving one another’s retransmission agreements, among other recommendations provided by the Associations in MB Docket No. 10-71.

Respectfully submitted,

**THE ORGANIZATION FOR THE PROMOTION
AND ADVANCEMENT OF SMALL
TELECOMMUNICATIONS COMPANIES**

By: /s/ Stuart Polikoff
Stuart Polikoff
Vice President – Regulatory Policy
and Business Development

By: /s/ Stephen Pastorkovich
Stephen Pastorkovich
Business Development Director/
Senior Policy Analyst

2020 K Street, NW
7th Floor
Washington, DC 20006

202-659-5990

**THE NATIONAL TELECOMMUNICATIONS
COOPERATIVE ASSOCIATION**

By: /s/ Michael Romano
Michael Romano
Senior Vice President, Policy

By: /s/ Jill Canfield
Jill Canfield
Director, Legal and Industry

By: /s/ Steven Fravel
Steven Fravel
Manager, Emerging Technologies

4121 Wilson Boulevard
10th Floor
Arlington, VA 22203

703-351-2000

September 10, 2012